

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 23, 2003. Applicants amend Claims 1 and 8 to correct typographical errors. Applicants also amend Claims 6, 12, 15, and 18 to clarify the original intent of these claims. Applicants respectfully request reconsideration and favorable action in this case.

Drawing Objections

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in Claim 8. Applicants amend Figure 3 to include previously omitted diodes 73 and resistors 75. Applicants submit that these changes are fully supported by the specification as originally filed and therefore do not constitute new matter. For these reasons and other reasons clearly apparent, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

Amendments to Specification

Applicants amend the specification to include reference numerals 73 and 75. Applicants submit that these changes do not constitute new matter.

Section 112 Rejections

Claims 1-8

The Examiner rejects Claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants amend Claim 1 as suggested by the Examiner to delete the word "not." Applicants also amend Claim 8 to replace "the path of the communication signals" with "a path of the control signals." These amendments correct typographical errors and do not narrow the scope of the claims. For these reasons and other reasons clearly apparent, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1-8 under 35 U.S.C. § 112, second paragraph.

Claims 16-18

The Examiner rejects Claims 16-18 under 35 U.S.C. § 112 and, citing M.P.E.P. § 2172.01, states that “the essential structural cooperative relationships between elements in the claims have been omitted, such omission amounting to a gap between the necessary structural connections.” Applicants respectfully contend that Claims 16-18 are in compliance with 35 U.S.C. 112.

None of Claims 16-18 omit matter disclosed to be essential to the invention as described in the specification. To the extent that the Examiner disagrees, Applicants respectfully request the Examiner to indicate precisely what essential matter (elements, steps and/or necessary structural cooperative relationships of elements purportedly described by Applicants as necessary to practice the invention) has been omitted from the Claims. Applicants cannot adequately respond to this rejection unless the Examiner indicates which such matter the Examiner considers to be essential and omitted.

Furthermore, Claims 16-18 do not “fail to interrelate essential elements of the invention as defined by applicant(s) in the specification.” M.P.E.P. § 2172.01. Claim 16 recites:

A system, comprising:
means for monitoring first and second connectors coupled with a midplane to detect the presence of first and second computing devices, respectively;
means for transmitting master control signals to the second computing device if the first computing device is not coupled with the first connector; and
means for preventing the transmission of the master control signals to the second computing device if the first computing device is coupled with the first connector.

Applicants respectfully content that no essential structural cooperative relationships between elements are omitted from Claim 16. Claim 16 provides that first and second connectors are “coupled with” a midplane. Also, the first computing device may be “coupled with” the first connector. For these reasons and other reasons clearly apparent, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 16-18 under 35 U.S.C. § 112.

Section 102 Rejections

The Examiner rejects Claims 1-7 and 9-18 under 35 U.S.C. § 102(e) as being anticipated by *Hipp*. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. §2131.

Applicants’ Claim 1, as amended, recites:

- A midplane, comprising:
 - a printed circuit board;
 - a first communication coupling coupled with the printed circuit board and configured to receive a first computing device;
 - a second communication coupling coupled with the printed circuit board and configured to receive a second computing device;
 - a master signal control module coupled with the first and second communication couplings;
 - wherein the master signal control module is operable to communicate control signals to the second communication coupling if the first computing device is not coupled with the first communication coupling; and
 - wherein the master signal control module prevents communication of the control signals to the second communication coupling if the first computing device is coupled with the first communication coupling.

Applicants respectfully submit that *Hipp* fails to disclose every element of this Claim.

Among other aspects of Claim 1, *Hipp* fails to disclose a master signal control module, “wherein the master signal control module prevents communication of the control signals to the second communication coupling if the first computing device is coupled with the first communication coupling.” As disclosing the master signal control module, the Examiner cites “printed circuitry in midplane 34 of a server chassis 38.” However, *Hipp* discloses a midplane that “connect[s] each respective web server 32 with its corresponding network interface card.” *Hipp*, Col. 15, lines 47-49. A midplane that connects corresponding parts simply does not show a master signal control module, “wherein the master signal control module prevents communication of the control signals to the second communication coupling if the first computing device is coupled with the first communication coupling.”

For analogous reasons, Applicants respectfully submit that *Hipp* fails to disclose every element of independent Claims 9, 10, 13, and 16. Thus, for these reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1, 9, 10, 13, and 16.

Claims 2-7 depend from Claim 1; Claims 11 and 12 depend from Claim 10; Claim 14 and 15 depend from Claim 13; and Claims 17 and 18 depend from Claim 16. Each of these dependent claims incorporates all limitations of its respective base claim, which is shown above to be allowable over *Hipp*. Thus, for these reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 2-7, 11, 12, 14, 15, 17, and 18.

Furthermore, Claim 6, as amended, includes the limitation “wherein the master signal control module is operable to communicate control signals to the third communication coupling only if the first and second computing devices are not coupled with the first and second communication couplings, respectively.” Applicants respectfully submit that *Hipp* fails to disclose this element. Thus, for at least this reason, Applicants request reconsideration and withdrawal of the rejection of Claim 6.

For analogous reasons, Applicants respectfully submit that *Hipp* fails to disclose every element of Claims 12, 15, and 18. Thus, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 12, 15, and 18.

Section 103 Rejection

The Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Hipp*. Claim 8 depends from and incorporates all the limitations of Claim 1, which is shown above to be allowable over *Hipp*. Therefore, at least for the same reasons discussed above with regard to Claim 1, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 8.

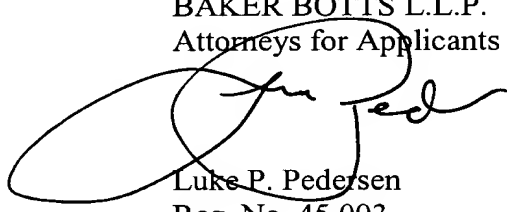
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due, however; should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants


Luke P. Pedersen
Reg. No. 45,003

Date: 1/23/04

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6655

CORRESPONDENCE ADDRESS:

Customer Number: **05073**
Attorney Docket No.: 067856.0213

3/7

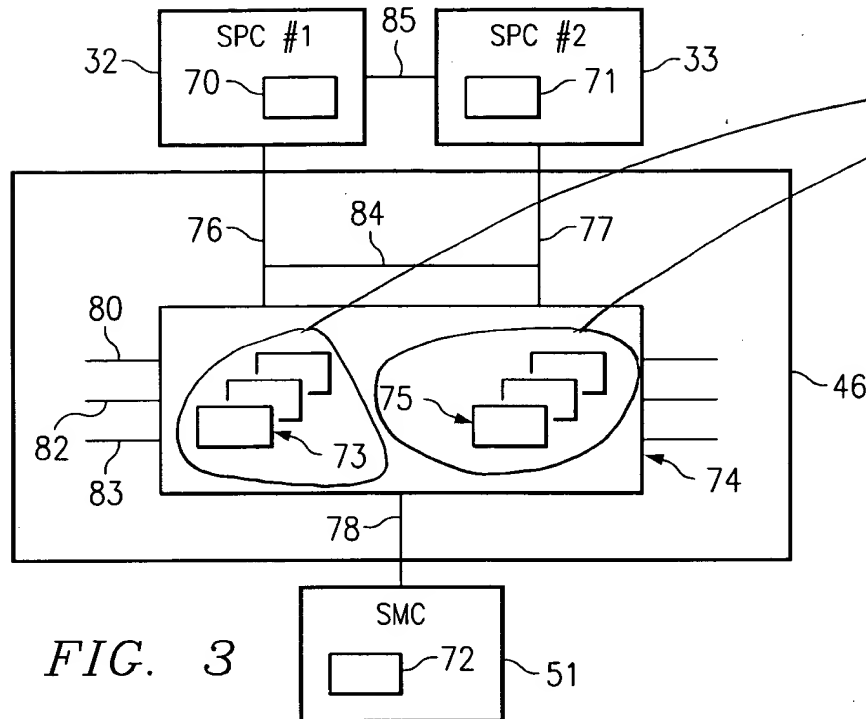


FIG. 3

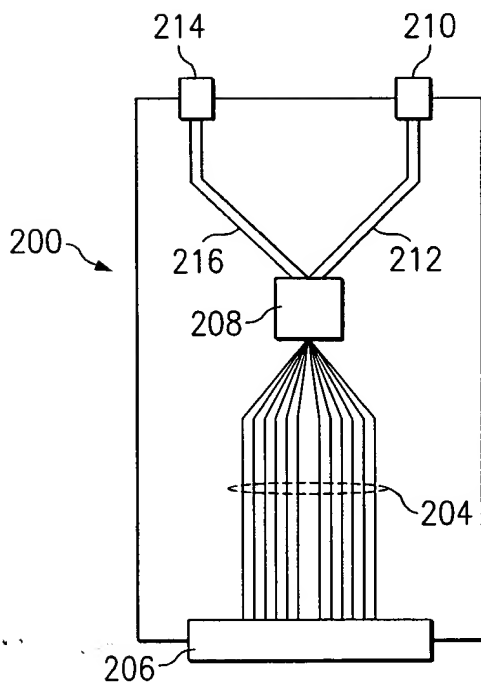


FIG. 6A

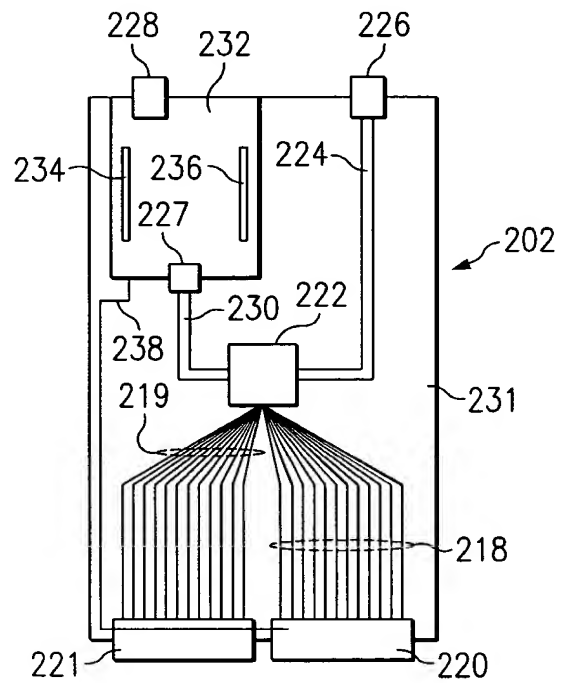


FIG. 6B